

1 MARK J. CONNOT (10010)
2 COLLEEN E. MCCARTY (13186)
3 **FOX ROTHSCHILD LLP**
4 1980 Festival Plaza Drive, Ste. 700
5 Las Vegas, NV 89135
6 Telephone: 702.262.6899
7 Facsimile: 702.597.5503
8 mconnot@foxrothschild.com
9 cmccarty@foxrothschild.com
10 *Counsel for Defendants Zachary K. Bradford, Lori L. Love,
11 S. Matthew Schultz, Robert P. Beynon, Larry McNeill, and
12 Thomas L. Wood, and Nominal Defendant CleanSpark, Inc.*

8
9
10 **UNITED STATES DISTRICT COURT**
11
12 **DISTRICT OF NEVADA**

13
14 BRANDON SMITH, Derivatively on Behalf
15 of CLEANSKAP, INC.,
16 Plaintiff,

17 Case No.: 2:23-cv-00445-GMN-BNW

18 (Removal from District Court, Clark County,
19 Nevada, Case No. A-23-866051-C)

20 v.

21 ZACHARY K. BRADFORD, LORI L. LOVE,
22 S. MATTHEW SCHULTZ, LARRY
23 MCNEILL, THOMAS L. WOOD, and
24 ROGER P. BEYNON,

25 **JOINT STIPULATION AND ORDER
26 ADJOURNING TIME TO RESPOND
27 TO MOTION TO CONSOLIDATE**

28 Defendants,

-and-

29 CLEANSKAP, INC., a Nevada Corporation,
30 Nominal Defendant.

31 Plaintiff Brandon Smith (“Plaintiff”), derivatively on behalf of Nominal Plaintiff
32 CleanSpark, Inc. (“CleanSpark”) and Defendants Zachary K. Bradford, Lori L. Love, S.
33 Matthew Schultz, Larry McNeill, Thomas L. Wood, Roger P. Beynon (the “Individual
34 Defendants”), and Nominal Defendant CleanSpark (together with the Individual Defendants,
35 “Defendants”) (collectively, with Plaintiff, the “Parties”), by and through their undersigned
36 counsel, hereby enter into the following stipulation and proposed order:

37 // /
38

1 **WHEREAS**, on February 21, 2023, Plaintiff filed a shareholder derivative complaint (the
2 “Complaint”) on behalf of Nominal Plaintiff CleanSpark in the Eighth Judicial District Court of
3 the State of Nevada in and for Clark County (the “State Court”), captioned *Smith v. Bradford, et*
4 *al.*, Case No. A-23-866051-C (this “Action”); and

5 **WHEREAS**, on March 23, 2023, the Individual Defendants filed a Petition for Removal
6 and Notice of Removal (Dkt. No. 1), removing this Action from State Court to the United States
7 District Court for the District of Nevada; and

8 **WHEREAS**, on March 24, 2023, the Individual Defendants filed a Motion to
9 Consolidate (Dkt. No. 5) asking the Court to consolidate this Action into the consolidated
10 shareholder derivative action pending in the United States District Court for the District of
11 Nevada, *In re CleanSpark, Inc. Derivative Litigation*, Case No. 2:21-cv-01181-GMN-BNW (the
12 “Motion to Consolidate”); and

13 **WHEREAS**, the Parties agree to extend the deadline for Plaintiff to oppose the Motion
14 to Consolidate (Dkt. No. 6) until on or before April 17, 2023.

15 **NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by the Parties
16 hereto, through their undersigned counsel, subject to the approval of the Court, as follows:

17 1. Plaintiff's deadline to oppose the Motion to Consolidate is extended until on or
18 before April 17, 2023.

19 2. Other than as agreed herein, the Parties reserve all rights.

[Signatures on following page]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
DATED: April 6, 2023

FOX ROTHSCHILD LLP

/s/Colleen E. McCarty
MARK J. CONNOT (10010)
COLLEEN E. MCCARTY (13186)
1980 Festival Plaza Drive, Ste. 700
Las Vegas, NV 89135
mconnot@foxrothschild.com
cmcarty@foxrothschild.com
Counsel for Defendants

IT IS SO ORDERED.



DATED: April 6, 2023

MUEHLBAUER LAW OFFICE, LTD.

/s/Andrew R. Muehlbauer
ANDREW R. MUEHLBAUER
7915 West Sahara Avenue, Suite 104
Las Vegas, Nevada 89117
andrew@mlolegal.com
Counsel for Plaintiff

UNITED STATES DISTRICT COURT JUDGE

DATED: April 16, 2023